

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 509076 NJC	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/NZ2004/000195	International filing date (day/month/year) 20 August 2004	(Earliest) Priority Date (day/month/year) 19 September 2003	
Applicant FISHER & PAYKEL HEALTHCARE LIMITED et al			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

#### 1. Basis of the report

- a With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The International search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II).

3. ☐ Unity of invention is lacking (See Box No. III).

#### 4. With regard to the title.

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

#### 5. With regard to the abstract.

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

#### 6. With regard to the drawings.

- a. the figure of the drawings to be published with the abstract is Figure No. 3

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

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## Box No. IV Text of the Abstract (Continuation of item 5 of the first sheet)

A connector (20) to couple a breathing conduit to a patient interface or other conduit. The connector allows for an electrical connection (22a, 22b) in a first conduit (14a) to be connected to another electrical connection (21a, 21b) in a patient interface or second conduit (14b). The connector is capable of swivelling without disrupting the gas flow through the conduits of the electrical connection.

Not Available Copy

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/NZ2004/000195

## A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. <sup>7</sup>: A61M 16/16; H01R 4/60

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DWPI +keywords: hose, electrical, swivel and similar terms

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4,901,719 A (TRENCONSKY et al) 20 February 1990 Abstract	1, 8
X	DE 31 10 903 A1 (HOSPITAL ENGINEERING GMBH) 30 September 1982 Abstract	1
X	US 5,980,289 A (ENGLE) 9 November 1999 Abstract	1, 8



Further documents are listed in the continuation of Box C



See patent family annex

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"B" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance, the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search  
7 October 2004

Date of mailing of the international search report

12 OCT 2004

Name and mailing address of the ISA/AU

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## INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/NZ2004/000195

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information

Patent Document Cited in Search Report			Patent Family Member				
US	4901719	AU	38994/89	DE	3710489	EP	0353177
		EP	0353178	GB	2188845	JP	2154720
		JP	10151141	JP	10151142	JP	62240043
		NZ	230097	NZ	243187	US	4781175
		US	4901720				
DE	3110903						
US	5980289	AU	53870/98	CA	2225105	ZA	9801299
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001							
END OF ANNEX							

## PATENT COOPERATION TREATY

RECEIVED

18 OCT 2004

AJ PARK

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

A J Park & Son  
PO Box 949  
Wellington 6001  
NEW ZEALAND

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

12 OCT 2004

Applicant's or agent's file reference

509076 NJC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/NZ2004/000195

International filing date (day/month/year)

20 August 2004

Priority date (day/month/year)

19 September 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. <sup>7</sup> A61M 16/16, H01R 4/60

Applicant

FISHER &amp; PAYKEL HEALTHCARE LIMITED et al

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(h) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/ATI

AUSTRALIAN PATENT OFFICE  
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COPY

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2004/000195

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments.

Not  
Applicable  
Copy

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/NZ2004/000195

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims 2-7, 9	YES
	Claims 1, 8	NO
Inventive step (IS)	Claims 2-7, 9	YES
	Claims 1, 8	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims	NO

**2. Citations and explanations:**

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1....US 4,901,719

D2....DE 31 10 903

D3....US 5,980,289

**Novelty (N) Claims 1, 8**

Claims 1, 8: D1 discloses an electrosurgical unit including a connecting system simultaneously forming a gaseous and electrical connection (154) between a male portion (128) and female portion (126), wherein the coupling is able to be swivelled (column 10 lines 19 to 24).

Claim 1: D2 discloses a device for connecting gaseous and electrical supply lines for hospitals including a supply head (10) that can be pivoted (see abstract).

Claims 1, 8: D3 discloses a rotatable hose coupling with electrical contacts (see abstract).

**Inventive Step (IS) Claims 1, 8**

Claims 1 and 8 also lack an inventive step for the reasons given above.

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